IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

WRIT CONTEMPT No. 167 of 2006

KALYAN PRASAD NAMDEV & ORS
V/S
ATUL KUMAR GARG & ORS.

Mr. RAJESH JOSHI, for the appellant / petitioner

Mr. S.N. TOSHNIWAL FOR Mr.NM LODHA-AAG & Mr. VIJAY BISHNOI, for the respondents

Date of Order : 4.12.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Of course vide order dated 19.7.2006 notice of this contempt were issued. However, while hearing the contempt proceedings it transpires that all the petitioners are residents of District Baran and as appears for appointment order Annexure-1 that whichever of the petitioners were given appointment thereby all were appointed to discharge duties at various places situated in District of Kota, and the grievance of the petitioners is that they are not being paid salary despite having been appointed.

Obviously even according to the petitioners, salary is / was paid at the place where they are working and thus, the entire cause of action arises at various places situated in District of Kota.

In that view of the matter, in view of the judgment of the Hon'ble Supreme Court Rajasthan High Court Advocates' Association Vs. Union of India and Ors. Reported in 2001(2) SCC 294, since in the present case the cause of action arises in District of Kota, the case is cognizable only by the Bench of this Court at Jaipur. Therefore, I am not inclined to continue the contempt proceedings any more. It was submitted by the learned counsel for the petitioner that even if the order passed by this Court is without jurisdiction even then the contemnor has no jurisdiction to flout that order.

In my view as a legal proposition that is right but then in the totality of the circumstances I do not feel inclined to exercise my contempt jurisdiction in the present contempt proceedings instituted at Jodhpur. It is clarified that it will be open to the petitioners to move an appropriate contempt proceeding if they so like, at Jaipur.

The contempt petition is, therefore, dismissed.

(N P GUPTA),J.

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